



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 7, 1992

Mr. Jack Steele
Houston-Galveston Area Council
P. O. Box 22777
Houston, Texas 77227-2777

OR92-9

Dear Mr. Steele:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14325.

You have received a request for information relating to a participant in a job training program administered by the Houston-Galveston Area Council (H-GAC) under the Job Training Partnership Act. The H-GAC is a regional planning commission operating under the authority of chapter 391 of the Local Government Code. Specifically, the requestor seeks "the complete participant files" of the participant. You claim that the requested information is excepted from required public disclosure by sections 3(a)(1) and 3(a)(2) of the Open Records Act.

Both sections 3(a)(1) and 3(a)(2) protect information if it is highly intimate or embarrassing and is of no legitimate concern to the public. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977); *Hubert v. Harte-Hanks Texas Newspapers*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.); Open Records Decision No. 441 (1986).

Previous open records decisions have determined that the following information is not intimate or embarrassing: educational training; names and addresses of former employers; dates of employment; kind of work and reasons for leaving; names, occupations, addresses and phone numbers of character references; job performances or abilities; names of friends or relatives employed by the

governmental body; birth date; height; weight; marital status; and social security number. *See* Open Records Decision Nos. 455 (1987); 342, 329 (1982); 298 (1981). Accordingly, such information may not be withheld from required public disclosure under common-law privacy.

Open Records Decision No. 373 (1983) held that background financial information about an individual, including sources of income, salary, mortgage payments, assets, medical and utility bills, social security and veterans benefits, retirement and state assistance benefits, and credit history, are protected from required public disclosure by common-law privacy. *See also* Open Records Decision No. 545 (1990). Accordingly, financial information submitted by the employee or reflected in the employee's participant file may be withheld from required public disclosure under section 3(a)(1) of the Open Records Act.

We note that some of the information contained in the file includes copyrighted testing materials. The reproduction of any information that is protected by copyright violates federal law. Attorney General Opinion JM-672 (1987). Federal law, not the Open Records Act, governs the right to reproduce copyrighted information. Open Records Decision No. 505 (1988). Consequently, you may not furnish copies of the test materials. Copyright law does not, however, prohibit inspection of the materials. *See* Attorney General Opinion MW-307 (1981).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-9.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/GK/lcd

Ref.: ID# 14325

cc: Ms. Donna Smith Cude, Esq.
Neel, Hooper & Kalmans
1700 West Loop South, Suite 1400
Houston, Texas 77027